IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 24761 of 2007(W)

CP.82/2007 of J.F.C.M, THIRUVALLA

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PETITIONER:

SUJATH KUMAR @ REMANAN,
ADICHIRA HOUSE, KUTTARA,
THIRUVALLA.

BY ADV. SRI.P.F.FRANCIS
SRI.RADHAKRISHNA PILLAI.G.

RESPONDENTS:

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1. STATE OF KERALA,(THE CIRCLE INSPECTOR OF POLICE, THIRUVALLA POLICE STATION), REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE SECRETARY TO HOME, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.24761 of 2007

Dated this the 4th day of September 2007

J U D G M E N T

The petitioner is the fourth accused in a prosecution for offences punishable inter alia under Section 302 I.P.C. The petitioner was not available for trial. The co-accused stood trial. One of them was found guilty, convicted and sentenced. The other two were found not guilty and acquitted. The petitioner later surrendered before the learned Magistrate. The case against him has later been committed. The files have been received by the learned Sessions Judge on 23/8/2007. The case has been taken on file as S.C.No.312/2007. The same has been made over to the Additional Sessions Court, Pathanamthitta . The matter is pending on the file of that court. It is at this stage that the petitioner has come to this court. He prays that there may be a direction for expeditious disposal of the case.

2. Report of the learned Sessions Judge was called for. The learned Sessions Judge, in his report dated 24/8/2007 submits that six months further time may be required for the trial and disposal of the case.

3. To me, the stand taken by the learned Sessions Judge appears to be absolutely justified. It was the petitioner who was not available for trial and that obliged the court to split up the case against him. The submission of the learned Sessions Judge that six months further time will be required, does appear to me to be absolutely justified, the file on committal having reached the learned Sessions Judge only on 23/8/2007.

4. I do, in these circumstances, accept the submission of the learned Sessions Judge that six months time will be required from 24/8/2007 to dispose of the sessions case against the petitioner now pending as S.C.No.312/2007 before the Additional Sessions Court, Pathanamthitta. Every endeavour must be made by the said court to dispose of the case as expeditiously as possible - at any rate, within a period of six months from this date. No further observations/directions appear to be necessary.

5. This writ petition is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007